

REMARKS

Initially, Applicant would like to thank the Examiner for indicating acceptance of the drawings filed on April 3, 2001. Applicant would also like to thank the Examiner for acknowledging Applicant's claim for foreign priority under 35 U.S.C. §119, as well as for acknowledging receipt of the priority document upon which the claim for foreign priority is based. Applicant would also like to thank the Examiner for confirming consideration of cited disclosure documents by placing his initials next to each entry in a PTO 1449 form attached to an Information Disclosure Statement filed by the Applicant on July 5, 2001 and by returning a signed copy of the initialed PTO 1449 form to the Applicant with the outstanding Official Action.

In the outstanding Official Action, claims 1-8 were rejected under 35 U.S.C. §102(e) over ANDERSON (U.S. Patent No. **6,362,850**). However, in the Notice of References Cited form (PTO-892) provided with the outstanding Official Action, the Examiner listed U.S. Patent No. **6,683,649** to ANDERSON. In this regard, Applicant notes that the '850 and the '649 patents each list Anderson as an inventor. Further, each of the '850 and the '649 patents is assigned to Flashpoint Technology, Inc. Having inspected both the '850 and the '649 patents, Applicant believes that the Examiner intended to reject claims 1-8 under 35 U.S.C. §102(e) over the '649 patent rather than the '850 patent. Accordingly, for the purposes of the present response, Applicant will address the outstanding rejection as if it is based upon the

'649 reference. Nevertheless, in the next Official Action, the Examiner is respectfully requested to clarify and complete the record by confirming which ANDERSON reference was relied upon.

Claims 1-6 and 8 have been amended to more clearly recite the features of the present invention. Applicant respectfully submits that the amendments to claims 1-5 and 8 have not been made to overcome a rejection over the prior art, unless otherwise specified herein.

Applicant traverses the rejection of claims 1-8 under 35 U.S.C. §102 as anticipated by ANDERSON. In this regard, the outstanding Official Action asserts that the features of independent claims 1 and 8 are disclosed in ANDERSON at cols. 5 and 12, and in Fig. 1, element 112. Applicant submits that the outstanding Official Action is in error. The portions of ANDERSON applied by the Examiner do not disclose the image processor as recited in claim 1 because there is no indication in ANDERSON that the image processor either "performs a common operation on said plurality of discrete images" (emphasis added) or that any operation is performed "continually".

Rather, ANDERSON emphasizes that "[s]equential images are played by displaying each still comprising the sequential image while playing any associated audio" in a slide show (emphasis added). In other words, ANDERSON discloses that a slide show progresses by "displaying each still", presumably by inputting an individual command to progress the slide show. Accordingly, even though a series of stills may be a "sequential image" as

defined at col. 7, ANDERSON does not disclose that displaying such stills is a common operation that is continually performed. Moreover, subjecting such stills continually to a common operation is not inherent in ANDERSON. Rather, a "slideshow" as in ANDERSON would presumably involve an operator mechanically progressing from one image in a sequence to the next, which is not a "continual" operation performed by "an image processor".

Furthermore, there is no teaching of any "determination processor that determines whether" sequential still images were obtained in a continual photographing operation. Moreover, there is no "common operation" continually performed "on" still images in ANDERSON "when it is determined that said plurality of discrete images were obtained in a continual photographing operation".

Applicant further submits that no operation related to a video in ANDERSON discloses or suggests "a continual-image determination processor that determines whether a plurality of discrete images were obtained in a continual photographing operation". In this regard, the video in ANDERSON is distinguishable from discrete images such as stills. Furthermore, there is no teaching of any "determination processor that determines whether" a video was obtained in a continual photographing operation. Furthermore, there is no "common operation" continually performed "on" a video in ANDERSON "when it is determined that said plurality of discrete images were obtained in a continual photographing

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operation”. In any case, as mentioned above, a video is not a “plurality of discrete” images, as recited in claim 1.

In view of the above-noted remarks, Applicant respectfully submits that ANDERSON does not disclose or suggest an "image processor that continually performs a common operation on said plurality of discrete images" (emphasis added), as recited in claim 1.

Accordingly, Applicant respectfully submits that the features recited in claim 1 are not disclosed or suggested in ANDERSON (i.e., U.S. Patent No. 6,383,649). Applicant additionally submits that ANDERSON does not disclose or suggest at least those features of claim 8 that are similar to the above-noted features recited in claim 1.

Applicant further submits that claims 2-7 are allowable at least for depending, directly or indirectly, from an allowable independent claim, as well as for additional reasons related to their own recitations. For example, col. 5, lines 40-66 of ANDERSON is directed to displaying a streaming video rather than "continually" reproducing images as recited in claim 3. Further, there is no indication at col. 10, lines 25-51 that the deletion of a temporary group of files in ANDERSON would be "continually" performed as required by the combination of claim 4.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection of claims 1-8, as well as an indication of the allowability of each of the claims now pending, in view of the herein contained amendments and remarks.

CONCLUSION

Applicant has made a sincere effort to place the present application in condition for allowance, and believes that he has now done so. Applicant has amended the claims to more clearly recite the features of the present invention. Furthermore, Applicant has discussed the features recited in Applicant's claims and has shown how these features are not taught, disclosed nor rendered obvious by the references cited in the Official Action.

Any amendments to the claims which have not been specifically noted to overcome a rejection based upon the prior art should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

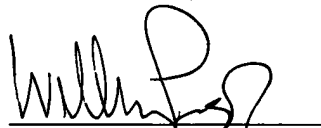
Should there be any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed number.

Respectfully submitted,

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